

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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DANIA RICHARDSON and  
TOBI JACKSON,

Plaintiffs

V

Civil Action No: 10-4439  
Jury Demand

LTC ENTERPRISES, INC. d/b/a  
DIRECT MEDIATORS,

Defendant

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**DEFENDANTS, LTC ENTERPRISES, INC., D/B/A DIRECT MEDIATORS, ANSWER  
TO PLAINTIFFS COMPLAINT WITH AFFIRMATIVE DEFENSES AND COUNTER  
CLAIM**

The Defendant, LTC ENTERPRISES, INC., d/b/a DIRECT MEDIATORS, by its attorney, REILLY, JANICZEK & McDEVITT, P.C., LEE JANICZEK, ESQ., Of Counsel, as and for its Answer to the Plaintiffs' Complaint, herein alleges:

ADMISSIONS AND DENIALS

1. ADMITS the allegations contained and set forth in paragraph "1" of the Complaint that LTC ENTERPRISES, INC., doing business under the fictitious name DIRECT MEDIATORS is a business entity which has a principal place of business located at 1615 Pine Avenue, Niagara Falls, New York 14301 but DENIES the Defendant, "regularly conducts business in Philadelphia County, Pennsylvania".

2. DENIES knowledge or information sufficient to form a belief as to the allegations contained and set forth in paragraphs "2", "4", "5" and "8" of the Complaint and demands strict proof thereof at trial.

3. DENIES the allegations contained and set forth in paragraphs "3", "9", "10", "11", "12", "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "25", "26", "27", "28", "29" and "30" of the Complaint and demands strict proof thereof at trial.

4. DENIES knowledge or information sufficient to for a belief as to the allegations contained and set forth in paragraph "1" of the Plaintiffs' Complaint but ADMITS "the FDCPA prohibits debt collectors from engaging in abusive, deceptive and unfair collection practices".

5. DENIES the allegations contained and set forth in paragraph "7" of the Complaint that "Defendant was hired by SAGAMORE to collect a debt relating to consumer credit purchases" but ADMITS the Defendants "originally owed to SAGAMORE the debt".

AS AND FOR A FIRST SEPARATE, DISTINCT  
AND COMPLETE AFFIRMATIVE DEFENSE,  
THE DEFENDANT, LTC ENTERPRISES, INC. d/b/a  
DIRECTOR MEDIATORS, UPON INFORMATION AND BELIEF,  
ALLEGES:

6. That as alleged in the Complaint herein, the Plaintiff, DANIA RICHARDSON, resides at 11 Medford Court, Sicklerville, New Jersey 08081.

7. That as alleged in the Complaint herein, the Plaintiff, TOBI JACKSON, resides at 828 Blackwood-Clementon Road, Apartment 109, Pine Hill, New Jersey 08201.

8. That the Defendant, LTC ENTERPRISES INC., d/b/a DIRECT MEDIATORS, maintains a principal place of business at 1615 Pine Avenue, Niagara Falls, New York 14301 and does not regularly conduct business in Philadelphia County, Pennsylvania.

9. That this Court lacks jurisdiction over the subject matter of this action and this Court lacks jurisdiction over the parties.

AS AND FOR A SECOND SEPARATE, DISTINCT AND COMPLETE  
AFFIRMATIVE DEFENSE, THE DEFENDANT, LTC  
ENTERPRISES, INC., d/b/a DIRECT MEDIATORS, UPON INFORMATION  
AND BELIEF ALLEGES:

10. That service upon the Defendant, LTC ENTERPRISES, INC., d/b/a DIRECT MEDIATORS, was improper and not in compliance with applicable law and, therefore, the Court lacks jurisdiction over the Defendant, LTC ENTERPRISES, INC., d/b/a DIRECT MEDIATORS.

AS AND FOR A THIRD SEPARATE, DISTINCT AND COMPLETE  
AFFIRMATIVE DEFENSE, THE DEFENDANT, LTC  
ENTERPRISES, INC., d/b/a DIRECT MEDIATORS, UPON INFORMATION  
AND BELIEF ALLEGES:

11. That the Complaint fails to state a legally cognizable cause or causes of action against the Defendant, LTC ENTERPRISES, INC., d/b/a DIRECT MEDIATORS, upon which the relief being requested herein may be granted.

AS AND FOR A FOURTH SEPARATE, DISTINCT AND COMPLETE  
AFFIRMATIVE DEFENSE, THE DEFENDANT, LTC  
ENTERPRISES, INC., d/b/a DIRECT MEDIATORS, UPON INFORMATION  
AND BELIEF ALLEGES:

12. That the Plaintiffs have not incurred damages and/or losses as alleged in the Complaint herein.

13. That the Plaintiffs have not sustained any injury to their reputation, invasion of privacy, damage to their credit, out-of-pocket expenses, physical, emotional and mental pain and anguish and other pecuniary losses.

AS AND FOR A FIFTH SEPARATE, DISTINCT AND COMPLETE  
AFFIRMATIVE DEFENSE, THE DEFENDANT, LTC  
ENTERPRISES, INC., d/b/a DIRECT MEDIATORS, UPON INFORMATION  
AND BELIEF ALLEGES:

14. That the Plaintiffs have failed to mitigate the extent of any injuries and/or damages alleged to have been sustained.

AS AND FOR A SIXTH SEPARATE, DISTINCT AND COMPLETE  
AFFIRMATIVE DEFENSE, THE DEFENDANT, LTC  
ENTERPRISES, INC., d/b/a DIRECT MEDIATORS, UPON INFORMATION  
AND BELIEF ALLEGES:

15. That any actions taken by agents, servants and/or employees of the Defendant were lawful and proper in nature and in no manner violated any provisions of the Fair Debt Collection Practices Act, *15 U.S.C. section 1692, et seq.*

16. That any actions taken by any agents, servants and/or employees of the Defendant were not false, deceptive, misleading, unfair or threatening and were in all respects lawful and proper.

AS AND FOR A SEVENTH SEPARATE, DISTINCT AND COMPLETE  
AFFIRMATIVE DEFENSE, THE DEFENDANT, LTC  
ENTERPRISES, INC., d/b/a DIRECT MEDIATORS, UPON INFORMATION  
AND BELIEF ALLEGES:

17. That any actions of the agents, servants and/or employees of the Defendant alleged to have violated the Fair Debt Collection Practices Act or any actions of the agents,

servants and/or employees of the Defendant alleged to have been unlawful or improper were not preformed by the said agents, servants and/or employees of the Defendant within the scope and course of their employment and were not under the direct supervision and control of the Defendant.

AS AND FOR AN EIGHTH SEPARATE, DISTINCT AND COMPLETE  
AFFIRMATIVE DEFENSE, THE DEFENDANT, LTC  
ENTERPRISES, INC., d/b/a DIRECT MEDIATORS, UPON INFORMATION  
AND BELIEF ALLEGES:

18. That the Defendant denies having knowledge or information that any agents, servants and/or employees of the Defendant violated the Fair Debt Collection Practices Act and the Defendant did fully and adequately review and monitor the actions of its employees so as to insure compliance with applicable laws, including the Fair Debt Collection Practices Act.

AS AND FOR A NINTH SEPARATE, DISTINCT AND COMPLETE  
AFFIRMATIVE DEFENSE, AND BY WAY OF A COUNTER-CLAIM  
AS AGAINST THE PLAINTIFF, DANIA RICHARDSON, THE DEFENDANT, LTC  
ENTERPRISES, INC., d/b/a DIRECT MEDIATORS, ALLEGES:

19. That, upon information and belief, the Plaintiff, DANIA RICHARDSON, previously incurred a legal and binding debt/obligation to "SAGAMORE".

20. That as a result of the aforesaid, the Plaintiff, DANIA RICHARDSON, was legally indebted to SAGAMORE in the approximate sum of Five Hundred Ten (\$510.00) Dollars as of July 17, 2009.

21. That the Plaintiff, DANIA RICHARDSON, upon information and belief, previously refused and neglected to pay the debt, despite legal and lawful attempts to collect same by "SAGAMORE".

22. That, upon information and belief, the Plaintiff, DANIA RICHARDSON, previously acknowledged to "SAGAMORE" the validity and extent of the said debt.

23. That thereafter SAGAMORE sold, transferred and/or assigned all its right, title and interest in and to the said debt to the Defendant and thus the Plaintiff, DANIA RICHARDSON, is legally indebted to the Defendant in the sum of Five Hundred Ten (\$510.00) Dollars with interest thereon from July 17, 2009.

AS AND FOR A TENTH SEPARATE, DISTINCT AND COMPLETE  
AFFIRMATIVE DEFENSE, AND BY WAY OF A COUNTER-CLAIM


AS AGAINST THE PLAINTIFFS, DANIA RICHARDSON and TOBI JACKSON, THE  
DEFENDANT, LTC ENTERPRISES, INC., d/b/a DIRECT MEDIATORS,  
UPON INFORMATION AND BELIEF, ALLEGES:

24. That the action being brought by the Plaintiffs herein is frivolous and without any merit in law or in fact.

25. That the Defendant is entitled to all reasonable costs and attorney's fees to defend the frivolous and meritless action herein.

**WHEREFORE**, the Defendant, LTC ENTERPRISES, INC., d/b/a DIRECT MEDIATORS, demands judgment dismissing the Plaintiffs' complaint together with Judgment upon its Counterclaim alleged as against the Plaintiff, DANIA RICHARDSON, in the sum of Five Hundred Ten (\$510.00) Dollars with interest thereon from the 17<sup>th</sup> day of July, 2009 and Judgment upon its Counterclaim alleged as against the Plaintiffs, DANIA RICHARDSON and TOBI JACKSON, seeking attorney's fees, together with the costs and disbursements of this action.

**REILLY, JANICZEK & McDEVITT, P.C.**

By:   
LEE JANICZEK, ESQ.  
Attorney for the Defendant  
LTC ENTERPRISES, INC.,  
d/b/a DIRECT MEDIATORS  
The Widener Building  
Suite 410  
One South Penn Square  
Philadelphia, PA 19107

DATED: February 24, 2011

**CERTIFICATE OF SERVICE**

**Dania Richardson and Tobi Jackson v LTC Enterprises, Inc.**  
**d/b/a Direct Mediators**

**UNITED STATES DISTRICT COURT, EASTERN DISTRICT PA 10-4439**

I, Lee J. Janiczek, Esquire, attorney for Defendants, LTC Enterprises, Inc. d/b/a Direct Mediators, hereby certify that a true and correct copy of Defendants Answer to Plaintiffs Complaint with Affirmative Defenses and Counter Claim, was served upon counsel for the Plaintiff as follows by United States Mail, first class, postage pre-paid:

MARK D. MAILMAN, ESQUIRE  
Francis & Mailman  
Land Title Building, 19<sup>th</sup> Floor  
100 S. Broad Street  
Philadelphia, PA 19110

**REILLY, JANICZEK & McDEVITT, P.C.**

By: \_\_\_\_\_

Lee J. Janiczek, Esquire

Date: \_\_\_\_\_

2/24/11

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

DANIA RICHARDSON and  
TOBI JACKSON,

Plaintiffs

V

Civil Action No: 10-4439

LTC ENTERPRISES, INC. d/b/a  
DIRECT MEDIATORS,

Defendant

**DEFENDANTS, LTC ENTERPRISES, INC., D/B/A DIRECT MEDIATORS**  
**DISCLOSURE STATEMENT FORM**

X The nongovernmental corporate party, **LTC ENTERPRISES, INC., D/B/A DIRECT MEDIATORS**, in the above listed civil action does not have any parent corporation and publicly held corporation(s) that owns 10% or more of its stock.

The nongovernmental corporate party, **LTC ENTERPRISES, INC., D/B/A DIRECT MEDIATORS**, in the above listed civil action has the following parent corporation and publicly held corporation(s) that owns 10% or more of its stock.

Respectfully Submitted:

**REILLY, JANICZEK & MCDEVITT, P.C.**

By: 

\_\_\_\_\_  
Lee J. Janiczek, Esquire  
Attorney for Defendants,  
LTC Enterprises, Inc., d/b/a Direct Mediators